

B. Reporter Gene: β -galactosidase (claim 26).

Applicants reserve the right pursuant to 37 C.F.R. §1.141 to pursue claims to the non-elected species in this application in the event that a generic claim is found to be allowable. Applicants also reserve the right pursuant to 35 U.S.C. §121 to file one or more divisional applications directed to the non-elected species or subgenus during the pendency of the present application.

CONCLUSION

Applicants earnestly believe that the application is in condition for allowance and respectfully solicit the Examiner to expedite prosecution of this patent application to issuance. Should the Examiner have any questions, the Examiner is encouraged to telephone the undersigned.

The Commissioner is authorized to charge any additional fees which may required, including petition fees, or credit any overpayment to Deposit Account No. 23-2415 (Docket No. 25636-717).

WILSON SONSINI GOODRICH & ROSATI

Respectfully submitted,

Date: February 6, 2004

By:



Shirley Chen, Ph.D.

Registration No. 44,608

650 Page Mill Road
Palo Alto, CA 94304-1505
Direct Line: (650) 565-3856
Client No. 021971